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14 MARTA Cooperative of America, Inc.; ABC Appliance, Inc.; Tech Data Corporation and Tech
Data Product Management, Inc.; The AASI Creditor Liquidating Trust; CompuCom Systems,
15 Inc.; and NECO Alliance LLC

16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

18 IN RE: TFT-LCD (FLAT PANEL)
19 ANTITRUST LITIGATION

CASE NO. M:07-md-01827-SI

MDL No. 1827

20 This Document Relates to:

21 *SB Liquidation Trust v. AU Optronics Corp., et*
22 *al.*, 3:10-cv-05458-SI

23 *MetroPCS Wireless, Inc. v. AU Optronics*
24 *Corp., et al.*, 3:11-cv-00829-SI

25 *Office Depot, Inc. v. AU Optronics Corp., et*
al., 3:11-cv-02225-SI

26 *Jaco Electronics, Inc. v. AU Optronics Corp.,*
27 *et al.*, 3:11-cv-02495-SI

CASE NOS. 3:10-cv-05458-SI;
3:11-cv-0829-SI; 3:11-cv-02225-SI;
3:11-cv-02495-SI; 3:11-cv-03763-SI;
3:11-cv-03856-SI; 3:11-cv-04119-SI;
3:11-cv-05765-SI; 3:11-cv-05781-SI;
3:11-cv-06241-SI; 3:12-cv-00335-SI;
3:12-cv-01426-SI; 3:12-cv-02495-SI; and
3:10-cv-05625-SI

**STIPULATION AND [PROPOSED]
ORDER REGARDING CERTAIN
EXPERT DEPOSITIONS IN TRACK 2**

1 *Interbond Corp. of America v. AU Optronics*
2 *Corp., et al.*, 3:11-cv-03763-SI
3 *Schultze Agency Services, LLC, on behalf of*
4 *Tweeter Opco, LLC and Tweeter Newco, LLC,*
5 *v. AU Optronics Corp., et al.*,
6 3:11-cv-03856-SI
7 *P.C. Richard & Son Long Island Corp., et al. v.*
8 *AU Optronics Corp., et al.*, 3:11-cv-04119-SI
9 *Tech Data Corp., et al. v. AU Optronics Corp., et*
10 *al.*, 3:11-cv-05765-SI
11 *The AASI Creditor Liquidating Trust, by and*
12 *through Kenneth A. Welt, Liquidating Trustee v.*
13 *AU Optronics Corp., et al.*, 3:11-cv-05781-SI
14 *CompuCom Systems, Inc. v. AU Optronics Corp.,*
15 *et al.*, 3:11-cv-06241-SI
16 *NECO Alliance LLC v. AU Optronics Corp., et*
17 *al.*, 3:12-cv-01426-SI
18 *Rockwell Automation, Inc. v. AU Optronics*
19 *Corp., et al.*, 3:12-cv-02495-SI
20 *Alfred H. Siegel, as Trustee of the Circuit City*
21 *Stores, Inc. Liquidating Trust v. AU Optronics*
22 *Corp., et al.*, 3:10-cv-05625-SI

23 Plaintiffs in the above-captioned cases (collectively, “Track 2 Cases”) and Defendants in
24 the Track 2 Cases (respectively, “Plaintiffs” and “Defendants,” collectively, “Parties”) hereby
25 stipulate as follows:

26 WHEREAS, on June 13, 2013, Plaintiffs have submitted reports from B. Douglas
27 Bernheim, Adam Fontecchio, David Stowell, and Leslie Marx (as to certain Plaintiffs only)
28 (collectively, “Plaintiffs’ Track 1 Experts”), among others, in the Track 2 Cases (including any
erratas, supplements, and amendments thereto, “June 2013 Reports”);

WHEREAS, Plaintiffs’ Track 1 Experts also appeared on behalf of plaintiffs in one or
more of the following cases in this Multidistrict Litigation: *AT&T Mobility LLC, et al. v. AU*
Optronics Corp., et al., Case No. 09-CV-4997-SI; *ATS Claim, LLC v. Epson Electronics*
America, Inc., et al., Case No. 3:09-CV-01115-SI; *Nokia Corp. and Nokia Inc. v. AU Optronics*
Corp., et al., Case No. 3:09-CV-05609; *Costco Wholesale Corp. v. AU Optronics Corp., et al.*,

1 Case No. 11-CV-00058-SI; *Best Buy v. AU Optronics Corp., et al.*, Case No. 10-CV-04972-SI;
2 *Electrograph Systems, Inc. v. Epson Imaging Devices Corp., et al.*, Case No. 10-CV-00017-SI;
3 *Motorola Mobility Inc. v. AU Optronics Corp., et al.*, Case No. 09-CV-05840-SI, and *Target*
4 *Corp., et al. v. AU Optronics Corp., et al.*, Case No. 10-CV-04945-SI (collectively, “Track 1
5 Cases”);

6 WHEREAS, Plaintiffs’ Track 1 Experts sat for depositions in the Track 1 Cases;

7 WHEREAS the Parties want to avoid duplicative and repetitive questioning of Plaintiffs’
8 Track 1 Experts in depositions in the Track 2 Cases in light of their previous depositions and the
9 similarity between Plaintiffs’ Track 1 Experts’ reports in the Track 1 Cases and Plaintiffs’ Track
10 1 Experts’ reports in the Track 2 Cases, and to create efficiency in and limit the time of those
11 depositions; and

12 WHEREAS the Parties do not want to get bogged down in disputes over whether a
13 particular question is duplicative of a question asked of a Plaintiffs’ Track 1 Expert during the
14 Track 1 Cases;

15 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the
16 Parties through their undersigned counsel as follows:

- 17 1. Any testimony made at deposition by a Plaintiffs’ Track 1 Expert in a Track 1 Case
18 will have same legal and evidentiary effect as if noticed and taken in the Track 2 cases
19 concerning the June 2013 Reports and the Track 2 Plaintiffs.
- 20 2. Any deposition that Defendants take of a Plaintiffs’ Track 1 Expert in the Track 2
21 Cases regarding the June 2013 Reports will be limited to a seven hour period. This is
22 not a limitation on the deposition regarding any Plaintiffs’ Track 1 Expert’s reply
23 reports (which may not be duplicative of Plaintiffs’ Track 1 Experts’ reports in the
24 Track 1 Cases), or of any expert’s deposition other than Plaintiffs’ Track 1 Experts.
- 25 3. This stipulation does not give rise to an objection to questions as being duplicative of
26 questions asked during the Track 1 Cases.

1 Dated: August 23, 2013

2 Respectfully submitted,

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1 *Pursuant to General Order No. 45, § X-B, the filer attests that concurrence in the filing of this
2 document has been obtained from each of the above signatories.
3

4
5 **IT IS SO ORDERED.**

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7 Dated: 8/30/13
8



Hon. Susan Illston
United States District Judge